

**DECISION RECORD,
FINDING OF NO SIGNIFICANT IMPACT**

and

ENVIRONMENTAL ASSESSMENT

for

**2-D SEISMIC EXPLORATION BY
VERITAS DGC LAND, INC.,
UINTAH COUNTY, UTAH**

UT-080-2002-21

**U.S. Department of the Interior
Bureau of Land Management
Vernal Field Office**

October 4, 2002

**DECISION RECORD AND
FINDING OF NO SIGNIFICANT IMPACT**

EA Log No.: UT—080-2002-21 Case File No.: UT-080-2001-G02

Project: Uintah 2-D

Applicant: Veritas DGC Land, Inc.

Project Location: Uinta Basin, Uintah County, Utah

BLM Office: Vernal Field Office Phone No.: (435)781-4400

Decision:

It is my decision to approve the Notice of Intent to Conduct Oil and Gas Exploration Operations (NOI) and to authorize the geophysical project to proceed as proposed, subject to the attached Terms and Conditions (Form 3150-4a), Applicant Committed Environmental Protection Measures (ACEPMs), and the Special Conditions developed in this environmental assessment. The authorization is pursuant to the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and implementing regulations found in 43 CFR Part 3150.

Finding of No Significant Impact:

Based on the analysis of projected environmental impacts contained in Environmental Assessment UT-080-2002-21 (EA) for the Veritas Uintah 2-D Seismic Survey and considering comments received during a 45-day public review period, I have determined that implementation of the proposed action and the recommended mitigation measures will not have any significant impacts on the human environment and that an environmental impact statement is not required. My conclusion is based on the following:

- Residual impacts to soils and vegetation would essentially disappear within 3 to 5 years.
- Negligible impacts to paleontological and cultural resources, raptors, big-game wildlife, recreation, and wilderness.
- The project may affect, but not likely to adversely affect the following species Colorado pikeminnow, humpback chub, bonytail, razorback sucker, Mexican spotted owl, bald eagle, southwestern willow flycatcher, mountain plover, black-footed ferret, Canada lynx, clay reed-mustard, shrubby reed-mustard, and Uinta Basin Hookless cactus. The proposed action will not affect the Ute ladies'-tresses orchid.

Rationale for Decision:

Discussion of the Need for the Action and the Alternatives

The decision to implement the proposed action alternative coupled with the Standard Terms and Conditions, ACEPMs, and Special Conditions as attached to this Decision Record does not result in unnecessary or undue degradation of the environment; and does not create substantial cumulative effects. As stated in the purpose and need section, this alternative provides the most effective, and cost-efficient method of obtaining needed seismic data that would be used by lessees and operators to better target areas for the exploration and development of potential producing formations underlying Federal lands to while minimizing impacts to the environment.

The no action alternative was not selected because it would deprive present and future leaseholders the opportunity to obtain subsurface geologic information. Without geophysical data, operators would have a higher probability of drilling non-productive wells, thus resulting in a probability of unnecessary surface disturbance, new roads, and related impacts. The no action alternative would also not allow operators the opportunity to use the seismic data to site well locations to minimize environmental impacts.

The EA also addressed but dropped from consideration an alternative to relocate seismic lines to avoid BLM Wilderness Inventory Areas (WIA) or Utah Wilderness Coalition (UWC) proposed wilderness. A second dropped alternative considered stopping drilling and shooting when a line entered a WIA or UWC proposed wilderness and resuming drilling and shooting when the line left the area. However, implementation of either of these alternatives would result in unacceptably large voids in the data collected. Additionally, the seismic lines under the alternative would not be close enough to existing wells with known geology to aid in seismic data analysis. Consequently, the intended purpose and need would not be met.

About 75% of the Federal lands in the project have been leased. The northern part of the project area has undergone extensive oil and gas development. No exploratory or development wells were considered by the proposed action or are connected to the proposed action. If additional leasing occurs or Applications for Permit to Drill (APDs) are submitted, additional environmental documentation will be required.

I conclude that a geophysical survey of these lands is appropriate and beneficial. The older, vintage seismic data available for the area is not adequate (personal communication, Scott Holmens, Veritas). No specific data is available for the success ratio of wells drilled based on a two-dimensional seismic survey. However, the geophysical industry has identified that for three-dimensional seismic data a wildcat exploratory well will have a 10% chance of success without seismic data. A wildcat exploratory well will have a 60% to 70% chance of success. While no data is available for a success ratio within the Uinta Basin it is anticipated that fewer exploratory wells would be drilled if operators have access to good seismic data processed with today's technology. Development wells would have even higher success ratios with seismic data.

Discussion of Planning Consistency and Conformance

The proposed action is in conformance with the Diamond Mountain Resource Area Resource Management Plan (1994), and the Book Cliffs Resource Area Resource Management Plan (1985); the objectives of 43 CFR 3150; and, BLM Mineral Resources Policy (May 29, 1984). The proposed action is also consistent with the *Duchesne County General Plan* (1997) and the *Uintah County Plan for Management of the Book Cliffs Resource Area* (Uintah County Commissioners 1998). In reaching this decision and in my determination of the Finding of No Significant Impact (FONSI), I considered the above referenced EA, The U.S. Fish and Wildlife Service Biological Opinion, and the public comments received during the 45-day public review period. The proposed action would not appreciably add to the expected disturbance from previous oil and gas activities, grazing, recreation, and other uses in the area. I conclude the severity of impact to the resources identified would not be significant.

Discussion of Consultation

Consultation has occurred between the following Federal and state agencies: U.S. Bureau of Indian Affairs, U.S. Geological Survey, U.S. Fish and Wildlife Service (Service), U.S. Natural Resources Conservation Service, Utah State Historic Preservation Office, Utah Department of Natural Resources, and The Trust for National Historic Preservation. A Biological Assessment was transmitted to the Service on September 27, 2002, for consultation on the species referenced in the FONSI. The Service on October 1, 2002, provided a "Concurrence of Not Likely to Adversely Affect to Eleven Endangered and Threatened Species for the Veritas Seismic Exploration Project in Uintah County, Utah." On October 3, 2002, the Service provided a completion of consultation for the Veritas Uintah 2D Project.

On June 19, 2002, The BLM met with and discussed the Veritas Uintah 2D project with the Northern Ute Tribal Business Committee. The Committee had no formal opinion of the project but indicated support. In addition at the start of the public review period, letters with the EA enclosed were sent to nine tribes. The Hopi and Southern Ute Tribes responded with comments. The Southern Ute Indian Tribe stated, "... at this time there are no known impacts to areas of Native American cultural sites that are sensitive to this Tribe in regards to the Veritas Two-Dimensional Seismic project in the Uinta Basin." The Hopi Tribe stated, "Because the Hopi Cultural Preservation Office supports the identification and avoidance of archaeological sites, we defer our support of the NO ACTION alternative for this project pending review of the surveys of the other lines." The cultural resource surveys were provided for review to the Hopi Tribe and no further comments have been received. BLM will continue Native American consultation as inventory information becomes available. Section 106 requirements of the National Historic Preservation Act have been met with SHPO.

Discussion of Public Participation and Comment

The EA was available for a 30-day public review and comment period from July 12, 2002 through August 12, 2002. Five requests were received to extend the comment period. Review of the extension requests determined that an extension to Close Of Business on September 3, 2002, would ensure that the public who initially requested copies of the EA would have 30 days for review of the EA through the mail. The July 17, 2002, edition of The Vernal Express (Vernal newspaper) published a news release that the EA was available for public review. About 25,000 comment letters were received by mail and electronically. I appreciate and would like to thank all commenters for taking the time to review the EA and providing comments.

Of the many letters received, there was a striking consistency of issue concerns regardless of the writer's position on the merits of the proposal project. Adequacy statements or technical opinions voiced concerns of areas containing wilderness values, cultural resources, cryptobiotic soils, future availability of oil and gas resources, threatened and endangered and special status plant and animal species. The BLM's response to numerous comments resulted in editorial changes to the EA. These changes were made to clarify and/or expand remarks to improve readability and understanding. The Bibliography of the EA has been revised to list all publications used in the evaluations of habitat and presence and/or absence of special status plant and animal species.

Some of the major issues I gleaned from the public comments include:

- Need to complete an Environmental Impact Statement: After careful and thoughtful consideration of the information provided and assessed in the EA and public comment on the EA, I have concluded that the proposed action, with full implementation of the mitigation measures, conservation measures and applicant committed environmental protection measures will not result in any significant impacts on the human environment such that an EIS would be required. This thinking is in accordance with 40 CFR 1501.3(b), 1501.4(2)(c), and 40 CFR 1508.20 and 1508.27. The proposed geophysical exploration is a survey, providing critically needed data to help determine the practicality, feasibility and economic realities associated with possible future energy exploration and development in the project area. It is reasonable to expect, based on analysis of the geophysical data obtained from this survey, an energy company may wish to craft site-specific development proposals. Such proposals would be subjected to the NEPA process, including public participation.
- Relationship of the proposed action to major energy development projects: The scope of the EA is focused on the acquisition of field data relating to the potential likelihood for energy resources in the area. How this data would or would not be used is unknown at this time. An attempt to assess the impacts from possible further energy exploration and development would have to be considered speculation at this time and inappropriate for inclusion in this EA.

- Impacts to wilderness values and the use of All Terrain Vehicles (ATVs): Southern Utah Wilderness Alliance provided the BLM with new and supplemental information regarding the White River, Bitter Creek, Lower Bitter Creek, Sweetwater, Dragon Canyon, Sunday School Canyon, Cliff Dweller and Seep Canyon proposed wilderness units. In accordance with the procedures outlined in BLM Handbook 6310-1 (*Wilderness Inventory & Study Procedures*) the BLM has determined that the White River, Bitter Creek and Lower Bitter Creek proposed wilderness units have a reasonable probability of having wilderness characteristics. The anticipated impacts to these areas' wilderness characteristics have been assessed in the EA. Further analysis and possible designation as WSAs are not within the scope of this exercise, but are being factored into the ongoing Vernal land use plan revision and accompanying EIS. The EA has been edited to more clearly define how and where ATVs would be used during operations. Specifically, ATVs would be the only wheeled vehicles allowed in WIA's and would be further restricted to existing roads and trails. No cross-country travel between seismic lines during acquisition of data would be permitted. Mitigation has been presented that would limit unwanted OHV use in sensitive areas, e.g., obliteration of OHV trails associated with the project as they cross existing roads and trails, additional signage, etc. The intent with such mitigation is to prevent the proliferation of unwanted OHV trails.
- Control noxious weeds: The primary concern regarding noxious weeds is the importation of such unwanted plant species from equipment brought in from outside the project area. Power washing vehicles and equipment prior to coming on the area removes the primary method of infestation. Existing data indicates currently noxious weed infestations in the project area are low and are found along existing roads, well pads, campsites, and gas pipelines. Proposed Seismic Line 13 is the only line that has noxious weeds on or adjacent to the route and access roads. Mitigation for this line and road travel has been added to the EA to address this specific situation.
- Discuss impacts to cryptobiotic soils: The appropriate sections of the EA have been expanded to discuss and clarify the anticipated impacts to these resources.
- Need for consultation with the U.S. Fish & Wildlife Service (FWS): The BLM has conferred with the FWS during the development of the EA. Sections 3 and 4 of the EA dealing with migratory birds; listed, proposed for listing, candidate, and sensitive species have been expanded to more fully clarify the effects of the proposed action, resulting issues and assess the anticipated impacts to these species. A Biological Assessment was transmitted to the FWS on September 27, 2002 for consultation on the following species: Colorado pikeminnow, humpback chub, bonytail, razorback sucker, Mexican spotted owl, bald eagle, southwestern willow flycatcher, Canada lynx, clay reed-mustard, shrubby reed-mustard, and Uinta Basin hookless cactus, Ute ladies'-tresses orchid, black-footed ferret, Mountain plover, Graham's beard tongue and the White River beard tongue.

Synopses of the comments received and the BLM responses are included in Section 6.0 of the EA. The Reader is referred to this section for a more complete presentation of the comments and BLM's responses.

Appeal:

This decision is effective upon the date of the decision and the approval is signed by the authorized officer. The decision or approval may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 3150.2. If an appeal is filed, a copy of the notice of appeal must be filed in this office (Vernal Field Office, 170 South 500 East, Vernal, Utah, 84078) within 30 days of receipt of the decision. Public notification of this decision will be considered to have occurred on October 9, 2002. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for stay pursuant to 43 CFR 3150.2(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Vernal Field Office Manager

Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0162
Expires: October 31, 2002
BLM Case No.
UT080-2001-G02
State Case No.

**TERMS AND CONDITIONS FOR NOTICE OF INTENT
TO CONDUCT GEOPHYSICAL EXPLORATION**

Company Name: VERITAS DGC LAND INC.		Date NOI Filed: AUGUST 27, 2001	
Address: 10300 TOWN PARK		Company Project Name: UINTAH 2D	
City: HOUSTON	State: TEXAS	Client	
Zip Code: 77072	Phone No. (Include area code): (832)351-8300	Crew Number	

GENERAL

1. A copy of the approved Notice of Intent to Conduct Oil and Gas Geophysical Exploration Operations and Terms and Conditions shall be kept in the field with each seismic crew.
2. The BLM shall be notified at least 3 days and no more than 14 days before entering onto public lands. If conditions have changed, additional terms and conditions may be necessary.
3. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are discovered, the operator is to immediately stop work that might further disturb such materials, and contact the Authorized Officer (AO). Within five working days the AO will inform the operator as to:
 - Whether the materials appear eligible for the National Register of Historic Places;
 - The mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
 - A timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume operations.
4. Due care **must** be taken to safeguard all livestock, wildlife, and wild horses in the vicinity of the exploration operations. Measures to mitigate adverse effects on protected or threatened/endangered species will be determined by the AO after consultation with the operator.
5. Operations shall be suspended when in the judgment of the Authorized Officer they have the possibility of unduly harming the surface during periods of wet weather.
6. Range improvements (fences, reservoirs, etc.) or land treatment projects (contour furrowing, seeding, or range monitoring sites) shall not be disturbed or altered without prior approval of the Authorized Officer.
7. Federally owned or controlled water shall not be used without written permission of the Authorized Officer.
8. All fires set or caused as a result of these exploration operations shall be extinguished without expense to the government. All fires shall be reported to the BLM as soon as possible.
9. The operator shall notify the Authorized Officer in writing of any changes in the original application and secure written approval for the changes before proceeding.
10. When it is determined that activities will come closer than one quarter (¼) mile of developed recreation sites, historic trails, springs or flowing water wells the Authorized Officer will be consulted to determine if the action is permissible.
11. Advanced written permission shall be obtained before conducting surface disturbing activities. This includes, but is not limited to: towing with a tractor, blading, dozing, snow removal, and vegetation removal.
12. Powder magazines and explosives shall be stored and handled according to U.S. Bureau of Alcohol, Tobacco and Firearms (ATF) standards. As required by ATF, loaded shot holes shall not be left unsecured.

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any Department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on reverse)

RECLAMATION/CLEANUP

1. Reclamation of disturbed areas shall be done concurrently with the geophysical operation, in-so-far as possible.
2. Shallow hole plugging shall be completed using the guidelines developed by the appropriate State/local regulatory agency or agencies and the Bureau of Land Management State Office. The requirements vary from State to State; therefore, those specific to the State the project is being conducted in will be followed.
3. Where appropriate, disturbed areas shall be reseeded, as directed by the Authorized Officer, until vegetative cover is established that is commensurate with pre-survey conditions. In areas where reseeding is not appropriate, the Authorized Officer shall determine what steps should be taken.
4. All trash, flagging, lath, etc. shall be removed and hauled to an authorized disposal site.
5. No oil or lubricants shall be drained onto the ground surface.
6. The operator shall notify the Authorized Officer of the date operations are completed.

COMPLETION OF PROCEDURES

1. A Notice of Completion (NOC) (Form 3150-5) shall be filed within 30 days of completion of operations including reclamation. A map (minimum scale of 1:24,000) **must** be attached to the NOC showing public lands crossed and the final location of source points.

I understand and agree to comply with these terms and conditions and any attached special conditions.

(Signature of Appropriate Representative)

(Date)

☒

Special Conditions Attached

NOTICE

The Privacy Act of 1974 and the regulation in 43 CFR 2.48(d) provide that you be furnished the following information in connection with information required by this Notice of Intent to Conduct Geophysical Exploration Operations.

AUTHORITY: 30 U.S.C. 181 et seq.

PRINCIPAL PURPOSE: The information will be used to process your Notice.

ROUTINE USES: (1) The processing of the operator's Notice of Intent to Conduct Geophysical Exploration Operations. (2) To determine that mitigating measures are made to protect the environment. (3) Transfer to appropriate Federal agencies when concurrence is required prior to granting a right in public lands or resources. (4)(5) Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, your right to conduct geophysical exploration activities may be revoked.

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) requires us to inform you that:

This information is being collected in accordance with 43 CFR 3151.

This information will be used to process geophysical exploration notices.

Response to this request is required to obtain a benefit.

BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

BURDEN HOURS STATEMENT

Public reporting burden for this form is included in the burden hours allocated in Form 3150-4, "Notice of Intent to Conduct Oil and Gas Geophysical Exploration Operations," including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing of the form. Direct comments regarding the burden estimate or any other aspect of this form to the U.S. Department of the Interior, Bureau of Land Management, Bureau Clearance Officer (WO-630), 1849 C Street, N.W., Washington D.C. 20240, and the Office of Management and Budget, Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, 1004-0162, Washington D.C. 20503

USGPO 1997 573-004/41077

**SPECIAL CONDITIONS – GEOPHYSICAL EXPLORATION
FOR VERITAS, UINTAH 2-D PROJECT
GEOPHYSICAL FILE NO. UT080-2001-G02**

The operator shall be in compliance with The Terms and Conditions of Form 1350-4a, Special Conditions, and Applicant Committed Environmental Protection Measures (ACEPM). The Special Conditions and the ACEPMs have been combined into one listing. All ACEPMs are identified by this acronym.

Waivers, Exceptions, or Modifications to the following Special Conditions and ACEPMs for geophysical operations may be specifically approved in writing by the Authorized Officer (AO) if either the resource values change or the lessee/operator demonstrates that adverse impacts can be mitigated.

1. This Notice Of Intent (NOI) expires two years from the approval date, unless it is extended by the BLM prior to the expiration date.
2. This NOI does not grant the operator any exclusive right to the described lands for geophysical exploration or other purposes. The project area described in the NOI and the attached Environmental Assessment, EA No. UT-080-2002-21, is subject at all times to any other lawful uses by the United States, its lessees, permittees, licensees, and assigns.
3. The Uintah 2-D Project will require a Pre-work Conference prior to initiating operations. Contact the Vernal Field Office (VFO), Howard Cleavinger, (435)781-1548, to schedule the conference.
 - a. The Party Manager and crew chiefs (if appropriate) will attend the Pre-work Conferences to:
 - (1) Review the project map and the Terms and Conditions for this project.
 - (2) Attend a presentation on cultural resources, paleontologic resources, and noxious weeds. All personnel working on the seismic project will be made aware of the importance of these issues.
4. In the event that geophysical operations are postponed or suspended, approval to restart operations has to be obtained from the BLM. Additional wildlife surveys may be required by the BLM prior to restarting operations.

5. A BLM compliance specialist or a quality control inspector funded by the operator and acceptable to BLM shall be on-site to inspect and monitor the field operations to ensure that the operator is in compliance with all terms and conditions of the project. While geophysical operations are underway, a daily monitoring report will be prepared by the specialist or inspector.
6. Seismic Operations:
 - a. **ACEPM** – In order to minimize impacts to the environment from personnel involved in the project, employees and contractors will be subject to the following regulations: no harassing or shooting of wildlife; no trash left in any unauthorized location; no unnecessary off-road driving; and, no collecting of plants.
 - b. **ACEPM** – All vehicles and construction equipment will be properly maintained to minimize exhaust emissions and will be properly muffled to minimize noise. All OHVs will be equipped with spark arresters. All four-wheel-drive buggies will be diesel powered. All vehicles will be equipped with fire extinguishers and shovels. When a helicopter is on location, it will be equipped with a water bucket. The operator will coordinate project activities with the Fire Management Officer of the VFO.
 - c. **ACEPM** – All staging and storage areas will be located in areas of existing surface disturbance such as well pads and roads.
 - d. **ACEPM** – No surface water depletion will occur. All water used on the project will be obtained from the Vernal municipal water supply or other source determined to be non-depleting.
 - e. **ACEPM** – Vehicles traveling along seismic lines will be limited to one track in a 10-foot wide corridor. All vehicles will be instructed to travel at slow speeds.
 - f. **ACEPM** – During the hunting season, the operator shall encourage their personnel and contractors to wear hunter orange.
 - g. **ACEPM** – No dozing will be allowed or usage of other types of heavy equipment for removing or clearing vegetation along the seismic lines.
 - h. **ACEPM** – Heli-portable drills will be used in terrain too steep or rough access (slopes in excess of 40%) for by truck- or buggy-mounted drills; all BLM Wilderness Inventory Area; or, areas where ATVs are prohibited.
 - i. **ACEPM** – Inactive gilsonite mines and gilsonite veins shall be avoided by 220 feet.
 - j. **ACEPM** – The operator will maintain a safe operating buffer between shot holes and existing facilities in accordance with accepted industry standards based on peak particle velocities as illustrated in Table 2.1 of EA No. UT-080-2002-21.

- k. **ACEPM** – The operator will post guards around areas where explosives will be detonated and on nearby roads to provide an adequate safety zone. Operator personnel and contractors will stay a minimum of 100 feet from the detonation area. Other individuals shall stay a minimum of 300 feet from the detonation area.
- l. **ACEPM** – Shot holes will be backfilled and plugged after being loaded in accordance with the State of Utah Division of Oil, Gas and Mining regulations that are accepted by the BLM. Shot holes drilled through water-bearing zones shall be filled with bentonite to a point above the water zone. Any cuttings resulting from shot hole drilling and not used in backfilling the shot hole will be scattered about the immediate area.
 - (1) Remove drill cuttings from the location if the drill cuttings contrast in color with the surrounding surface deposits
- m. **ACEPM** – All trash will be collected and disposed of at an approved sanitary landfill. No potentially harmful materials or substances will be left on or near the seismic lines.
- n. **ACEPM** – The operator will be responsible for keeping fences up and gates closed. If a fence must be crossed at a location other than an existing gate, the fence will be cut and H-braces installed to support the existing fence. If livestock are present, a temporary gate will be installed to prevent livestock movement. Any temporary openings will be permanently wired shut and the wires stretched to their original tension.
 - (1) If a fence must be crossed at a location other than an existing gate, a temporary gate shall be installed.
- o. **ACEPM** – Any facilities damaged, destroyed, or removed because of geophysical exploration will be immediately repaired or restored to original condition or replaced with a similar facility.

7. Soils, Vegetation, Riparian, Floodplains:

- a. **ACEPM** – No vehicles will be operated during periods of saturated soil conditions or when surface ruts are deeper than 4 inches will occur.
 - (1) No vehicles shall be operated off-road during periods of saturated soil conditions when surface ruts deeper than 4 inches will occur along straight travel routes.
- b. **ACEPM** – No drilling or detonation of explosives will occur within 500 feet of any flowing stream such as the Green River, White River, Bitter Creek, or Willow Creek.
- c. **ACEPM** – The operator will not take vehicles on or within 300 feet of a wetland and riparian area unless the area is frozen to a depth capable of supporting vehicles.

- d. **ACEPM** – No drilling or detonation of explosives will occur in floodplains. Recording will occur in floodplains.
- e. **ACEPM** – Shot holes will be located so that no brush or tree clearing will be required for drilling.
- f. Remove all signs of vehicle tracks crossing existing roads and trails by hand-raking out all tread imprints for a distance of 50 feet from the existing roads or trails.
- g. All vehicle track depressions/ruts shall be hand-raked out to approximate the original contour.
- h. All compacted areas shall be scarified by hand-raking.
- i. All scarified areas shall be reseeded with a native plant seed mixture on a site-specific basis as determined by the BLM or the appropriate surface management agency. Shale areas that have potential Threatened and Endangered Plant habitat shall not be reseeded.
- j. Waterbars shall be constructed along the seismic lines where necessary as determined by the BLM or the appropriate surface management agency.
- k. Biological soil crusts (about 10% of the track size) shall be hand-raked into the tracks from the sides when the tracks are hand-raked out as determined by the BLM or the appropriate surface management agency.
- l. Install BLM reclamation signs (“Restoration Area – Please Suspend Travel”) and/or barriers on both sides of existing roads where seismic lines cross and at other locations as deemed necessary by the BLM or the appropriate surface management agency to prevent future ORV travel use on routes used during geophysical operations.

8. Paleontology:

- a. A qualified paleontologist shall survey two segments (about two miles and three miles in length) along seismic line UU-14 as shown in Figure 3.1 of the EA No. UT-080-2002-21. Fossils and related locational data shall be collected. The survey corridor will extend 50 feet on either side of the center line.
 - (1) The compliance specialist or quality control inspector shall verify that avoidance procedures from the inventory report were implemented prior to geophysical operations and include any post-operation activities in the daily monitoring report.

OR,

- b. A qualified paleontologist shall accompany the seismic and support crews during the drilling phase of their work along seismic line UU-14 as shown in Figure 3.1 of the EA No. UT-080-2002-21. The paleontologist shall advise the crews on avoidance of paleontological resources, or when avoidance is impossible, the paleontologist shall collect important fossils and pertinent data that will be damaged or destroyed during the seismic operations.

9. Wildlife:

- a. **ACEPM** – No drilling or detonation of explosives will occur from May 10 through June 1, in the Monument Ridge mule deer migration corridor.
- b. **ACEPM** – No drilling or detonation of explosives will occur from November 15 through April 15 in elk or mule deer crucial winter range.
- c. **ACEPM** – No drilling or detonation of explosives will occur from May 15 through June 30 in elk or mule deer crucial calving/fawning range.

10. Raptors, Migratory Birds:

- a. **ACEPM** – No drilling/shooting will occur within 0.5 mile of an active raptor nest during the mating/nesting season in accordance with accepted raptor protection dates as illustrated in Table 2.2 of EA No. UT-080-2002-21. If drilling/shooting are proposed for any line during the raptor mating/nesting season, a BLM biologist or a qualified biologist acceptable to BLM shall survey the area 0.5 mile each side of the line(s) where drilling/shooting will occur.
 - (1) Raptor surveys will be scheduled along a seismic line prior to commencing drilling, shooting, or recording along the seismic line.
 - (2) No recording shall occur within 0.5 mile of an active raptor nest during the mating/nesting season.
- b. No drilling or detonation of explosives shall occur within 300 feet of wetland and riparian areas unless the area is frozen to a depth capable of supporting the geophysical exploration vehicles.

11. Threatened, Endangered, Proposed, Candidate, and Sensitive Plant and Animal Species (TEPCS):

- a. **ACEPM** – Surveys for Threatened, Endangered, Proposed, Candidate, and Sensitive Plant and Animal Species (TEPCS) will be funded by the operator. The surveys will be conducted by qualified personnel acceptable by the BLM and at the direction of the BLM. The operator, at the direction of BLM, will avoid TEPCS species found.
- b. Bald eagle:
 - (1) **ACEPM** – No drilling or detonation of explosives will occur within 0.5 mile of an identified bald eagle winter roosting area in accordance with accepted raptor protection dates as illustrated in Table 2.2 of EA No. UT-080-2002-21. If drilling/shooting are proposed for any line during the bald eagle winter roosting season, a BLM biologist or a qualified biologist acceptable to BLM shall survey the area 0.5 mile each side of the line(s) where drilling/shooting will occur.
 - (2) No drilling, detonation of explosives, or recording shall occur within 0.5 mile of an identified bald eagle winter roosting area from November 1 through March 15.
 - (3) No drilling, detonation of explosives, or recording shall occur within 0.5 mile of an active bald eagle nest that is from January 1 through August 15.
- c. Peregrine falcon:
 - (1) **ACEPM** – No drilling or detonation of explosives will occur within 1.0 miles of an active peregrine falcon nest from February 1 through August 31.
 - (2) No recording shall occur within 1.0 mile of an active peregrine falcon nest from February 1 through August 31.
- d. Mexican spotted owl:
 - (1) **ACEPM** – No drilling or detonation of explosives will occur within 0.5 miles of an active nest from March 1 through August 31.
 - (2) No drilling, detonation of explosives, or recording shall occur along the 10 miles of potential prime breeding habitat located in six areas of lines UU-3, UU-4, UU06, and UU-7, from March 1 through August 31.
- e. Mountain Plover:
 - (1) No drilling, detonation of explosives or recording shall occur along the northeast 8 miles of line UU-02 during the breeding season from May 1 through June 15.

f. Southwestern Willow Flycatcher, Western Yellow-billed Cuckoo:

- (1) No drilling, detonation of explosives, or recording shall occur within 500 feet or any flowing stream such as the Green and White Rivers and Bitter and Willow Creeks.
- (2) No drilling, detonation of explosives, or recording shall occur within 300 feet of any wetland or riparian area areas.

g. Common yellowthroat:

- (1) No drilling, detonation of explosives, or recording shall occur within 500 feet of any flowing stream such as the Green and White Rivers and Bitter and Willow Creeks.

h. Black-footed Ferret:

- (1) **ACEPM** – The operator will follow the surface-disturbing restrictions that apply to the black-footed ferret reintroduction area found in EA No. 080-199-02.
- (2) No drilling, detonation of explosives, or recording shall occur within the Primary Management Zone (PMZ) until the operator conducts test shots under the direction of BLM to determine the impact that seismic exploration has on prairie dog holes. The test shots will use varying explosive charge levels and distances. The resulting data will be used by BLM to establish a minimum distance and appropriate explosive charge levels from prairie dog holes that shot holes shall be placed to protect the ferret.
- (3) Ferret searches following established protocol shall be conducted no earlier than one week before blasting will begin within the newly established minimum distance along the length of the seismic line within the PMZ.
- (4) No drilling, detonation of explosives, or recording shall occur during the reproductive season from May 1 through July 15 within the PMZ.

i. Sage Grouse:

- (1) **ACEPM** – No drilling or detonation of explosives will occur from March 1 through June 15 within 2.0 miles of an active sage grouse lek during the breeding/nesting season.
- (2) No recording shall occur from March 1 through June 15 within 2.0 miles of an active sage grouse lek.

j. *Penstemon grahamii*, *Penstemon scariosus* var. *albifluvis*:

- (1) All suitable habitat and populations shall be avoided. No drilling, detonation of explosives, or recording shall occur within potential habitat until a trained botanist acceptable to BLM completes surveys to delineate populations and suitable habitat. The surveys may be started in May 2003.
- (2) Potential shale habitat may be surveyed until snow covers the ground and then may be resumed in 2003 when the ground surface is bare.

k. *Sclerocactus glaucus*:

- (1) All suitable habitat and populations shall be avoided. No drilling, detonation of explosives, or recording shall occur within potential habitat until a trained botanist acceptable to BLM conducts surveys to delineate populations and suitable habitat. The surveys may be conducted through November 2002 or until snow covers the ground, whichever occurs first. The surveys may commence again in April 2003. Five foot wide transects through potential habitat will be done to locate plants. If any populations are found, consultation with the FWS will be reinitiated.

l. *Schoenocrambe suffrutescens* and *Schoenocrambe argillacea*:

- (1) All suitable habitat and populations shall be avoided.

12. Cultural:

- a. **ACEPM** – The operator will conduct Class I and Class III Cultural Resource Surveys along and near the seismic lines. All access routes, staging areas, vehicle parking areas, and other surface use areas that have not been previously surveyed will be inventoried by Class III Cultural Resource Surveys.
 - (1) All access routes, staging areas, vehicle parking areas, and other surface use areas that have not been previously surveyed will be inventoried by a permitted consultant archaeologist; inventory reports will be submitted to BLM for review, approval, and consultation with SHPO and other parties as appropriate. Work will not commence at these locations until authorized by BLM.
- b. **ACEPM** – Any cultural resources found along the seismic lines, access routes, staging areas, parking areas, or other surface use areas will be avoided.
- c. **ACEPM** – If an archaeological site and/or property were found at anytime during the project, all surface-disturbing work at such site shall immediately cease and the BLM contacted. Any further work at that site will not resume until and unless authorized by the BLM, or the appropriate authorized officer for lands other than BLM-administered lands.

(1) **ACEPM** – Workers will be instructed to leave undisturbed any artifacts discovered during the project work.

- d. The party manager and crew chiefs, if appropriate, will attend a meeting with BLM to discuss cultural resources and potential penalties for tampering with cultural resources. The meeting will be held as part of the initial Pre-work Conference.
- e. The compliance specialist or quality control inspector shall verify that avoidance procedures from the inventory report were implemented prior to geophysical operations and include any post-operation activities in the daily monitoring report.

13. Wilderness:

- a. All shot holes within BLM Wilderness Inventory Areas and all UWC-Proposed Wilderness Areas shall be drilled with heli-portable equipment.
- b. No wheeled or tracked vehicles will be allowed in BLM Wilderness Inventory Areas, except on roads and routes as designated by BLM.

14. Noxious Weeds

- a. **ACEPM** – The operator will power-wash all equipment prior to entering the project area to remove soils and mud from the equipment to reduce the potential for introduction of invasive weeds.
- b. At the Pre-work Conference, the Party Manager and crew chiefs, if appropriate, shall be supplied with weed books to identify unknown sites of noxious weeds. Any new sites identified by the operator shall be reported to BLM for treatment. That portion of the line shall be monitored to prevent a weed outbreak.
- c. The operator shall identify staging area locations to the BLM prior to seismic exploration. The BLM will determine the presence of weed sites. Noxious weed sites will not be used as staging areas.
- d. The operator shall be responsible for controlling any noxious weed outbreaks attributed to the operator's activities. The operator's method of control shall be submitted in writing to the BLM and approved by the BLM prior to the initiation of the plan. On BLM administered, it is required that a Pesticide Use Proposal (PUP) be submitted and approved prior to the application of herbicides or other pesticides. A list of noxious weeds may be obtained from the BLM or the appropriate County Extension Office.

15. Recreation:

- a. A map with a narrative statement on the timing of the activity shall be posted at the Buck Canyon, Rainbow, and Duck Rock kiosks.